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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/510,597	06/30/2005 7590 08/24/2005		Winfried Arz	P04,0399	1792	
26574				EXAMINER		
SCHIFF HA	SCHIFF HARDIN, LLP				BARRERA, RAMON M	
	PATENT DEPARTMENT				PAPER NUMBER	
	6600 SEARS TOWER CHICAGO, IL 60606-6473					

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		A
	Application No.	Applicant(s)
0.00	10/510,597	ARZ ET AL.
Office Action Summ	Examiner Examiner	Art Unit
	Ramon M. Barrera	2832
The MAILING DATE of this co Period for Reply	ommunication appears on the cover sheet w	rith the correspondence address
THE MAILING DATE OF THIS COI - Extensions of time may be available under the pafter SIX (6) MONTHS from the mailing date of - If the period for reply specified above is less that - If NO period for reply is specified above, the may - Failure to reply within the set or extended period	provisions of 37 CFR 1.136(a). In no event, however, may a this communication. In thirty (30) days, a reply within the statutory minimum of this wimum statutory period will apply and will expire SIX (6) MOI of for reply will, by statute, cause the application to become A emonths after the mailing date of this communication, even if	reply be timely filed rty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).
Status		
1) Responsive to communicatio	n(s) filed on	
2a) This action is FINAL .	2b)⊠ This action is non-final.	
3)☐ Since this application is in co	ndition for allowance except for formal mat	tters, prosecution as to the merits is
closed in accordance with the	e practice under <i>Ex parte Quayle</i> , 1935 C.I	D. 11, 453 O.G. 213.
Disposition of Claims		
4) Claim(s) 15-40 is/are pending	g in the application.	•
<u> </u>	is/are withdrawn from consideration.	
5) Claim(s) <u>15-27</u> is/are allowed		
6) Claim(s) <u>28-40</u> is/are rejected		
7) Claim(s) is/are objects		
8) Claim(s) are subject to	restriction and/or election requirement.	
Application Papers		
9) The specification is objected t	•	
	tober 2004 is/are: a) accepted or b) ⊠ o	•
,, , ,	any objection to the drawing(s) be held in abeya	, ,
	ncluding the correction is required if the drawing ected to by the Examiner. Note the attache	
TT)	ected to by the Examiner. Note the attache	d Office Action of form F 10-132.
Priority under 35 U.S.C. § 119	·	
12)⊠ Acknowledgment is made of a a)⊠ All b)☐ Some * c)☐ Nor	a claim for foreign priority under 35 U.S.C.	§ 119(a)-(d) or (f).
·— <u> </u>	priority documents have been received.	
<u></u>	priority documents have been received in A	Application No
_	copies of the priority documents have beer	
·	ternational Bureau (PCT Rule 17.2(a)).	-

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/11/04</u>.

4) 🔲	Interview Summary (PTO-413)
	Paper No(s)/Mail Date.

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____.

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DETAILED ACTION

Drawings

1. Figures 7-10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 28-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 4. In Claim 28, antecedent basis is lacking for "said capsule". Also, the claim is incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship

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between the capsule and other claimed elements. Claims 29-40 inherit the defect in their parent claim.

5. The following is a statement of reasons for the indication of allowable subject matter: Drobnitzky, the closest prior art of record, failed to teach or disclose a capsule with a three layer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramon M. Barrera whose telephone number is (571) 272-1987. The examiner can normally be reached on Monday through Friday from 11 to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kamon M Barrera
Primary Examiner
Art Unit 2832

rmb